

IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA

RUSSELL LOVELESS and MARY ELLEN
HENNINGS,

Plaintiffs,

v.

BANK OF AMERICA, N.A., *et al.*,

Defendants.

CIVIL ACTION NO. 3:CV-13-1546
(JUDGE CAPUTO)
(MAGISTRATE JUDGE SCHWAB)

ORDER

NOW, this 24th day of September, 2015, IT IS HEREBY ORDERED that:

- (1) The Report and Recommendation (Doc. 51) is **ADOPTED in part and REJECTED in part** as follows:
 - (A) The recommendation to allow Plaintiffs to proceed with their quiet title claim against Mortgage Electronic Registration Systems, Inc. is **REJECTED**.
 - (B) The recommendations set forth in the Report and Recommendation are otherwise **ADOPTED**.
- (2) Defendants' Motion to Dismiss (Doc. 39) is **GRANTED in part and DENIED in part** as follows:
 - (A) All claims against MERSCORP, Inc. are **DISMISSED with prejudice**.
 - (B) All breach of contract claims are **DISMISSED with prejudice** except the breach of contract claim against Bank of America, N.A. and BAC Home Loans Servicing, LP for failure to pay taxes.
 - (C) All FDCPA claims by Plaintiff Mary Ellen Hennings are **DISMISSED with prejudice** except the claim based on contractors entering the property, changing the locks, and removing personal property.
 - (D) The quiet title claim is **DISMISSED with prejudice** as against Mortgage Electronic Registration Systems, Inc.
 - (E) The motion to dismiss is **DENIED** in all other respects.
- (3) The action is **RECOMMITTED** to Magistrate Judge Schwab for further proceedings.

/s/ A. Richard Caputo
A. Richard Caputo
United States District Judge